

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 3659 of 2015 (F)

PETITIONER(S):

**P.M. SARALA, AGED 75 YEARS,
W/O.RAJAPPAN NAIR, PUTHIYAKAVIL HOUSE,
PUTHIYA KAVU, THRIPIUNITHURA P.O., PIN-682 301.**

BY ADV. SRI.S.DILEEP (KALLAR).

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED THROUGH SECRETARIAT GOVERNMENT,
PUBLIC WORK DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. PWD ASSISTANT ENGINEER (ROAD SECTION),
TRIPUNITHURA, ERNAKULAM DISTRICT-682 302.**
- 3. TRIPUNITHURA MUNICIPALITY,
MINI CIVIL STATION, TRIPUNITHURA-682 301,
REPRESENTED THROUGH ITS SECRETARY.**
- 4. SUB INSPECTOR OF POLICE,
HILL PALACE POLICE STATION,
TRIPUNITHURA-682 301.**

**R1, R2 & R4 BY SR. GOVT. PLEADER SRI.MUHAMMED SHAFI. M.
R3 BY ADV. SRI.V.M.KURIAN.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1 : THE TRUE COPY OF THE TAX RECEIPT DATED 08-08-2012
SHOWING THE REMITTANCE OF TAX.
- EXT P2 : THE TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONER DATED 01-01-2015.
- EXT P3 : THE TRUE COPY OF THE POSTAL RECEIPT SHOWING THE
ISSUANCE OF EXT. P2.
- EXT P4 : THE TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT DATED 21-01-2015.
- EXT P5 : THE TRUE COPY OF THE PHOTOGRAPH SHOWING THE
UNAUTHORIZED CONSTRUCTION DONE IN FRONT OF
THE PETITIONER'S SHOP.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

=====

W.P.(C). No. 3659 of 2015

Dated this the 5th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

“Issue a writ of mandamus orders or any appropriate writ and thereby direct the 2nd and 3rd respondent to demolish the illegal constructions effected in front of the shop room of the petitioner with the assistance of the 4th respondent.”

2. The learned counsel for the petitioner submits that, an unauthorized waiting shed has been constructed just in front of the premise of the petitioner where a milma booth is being run by her. It is stated that, such an action has been done without, consent, concurrence or licence from any corner and that the same has been installed at the instance of somebody who is not in good terms with the petitioner. The waiting shed has been put up just in front of the petitioner's building as reflected from Ext.P5, which will virtually prevent access to the petitioner's premises. This made the petitioner to approach the 2nd respondent by filing Ext.P2 complaint. The petitioner has moved the 4th respondent as well by filing Ext.P4. The said proceedings

have not yielded any positive result and hence the writ petition.

3. Heard the learned Government Pleader appearing for respondents 1, 2 and 4 and the learned Standing Counsel for the 3rd respondent municipality.

4. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P2 complaint in consultation with the 3rd respondent. The proceedings as above shall be finalized at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-